

**From:** [Broyles, Ragan](#)  
**To:** [Smith, Monica](#); [Webster, Susan](#); [Goodfellow, Bob](#); [Hayes, Mark](#)  
**Cc:** [Petersen, Chris](#)  
**Subject:** FW: Conf Call with OECA, R6 & OSHA  
**Date:** Monday, May 06, 2013 1:17:12 PM

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**From:** Edlund, Carl  
**Sent:** Monday, May 06, 2013 12:50 PM  
**To:** Vikin, Ivan; Edelstein, David  
**Cc:** Phillips, Pam; Broyles, Ragan; Petersen, Chris; Hayes, Mark  
**Subject:** FW: Conf Call with OECA, R6 & OSHA

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**From:** Stanislaus, Mathy  
**Sent:** Monday, May 06, 2013 10:59 AM  
**To:** Stanton, Larry  
**Cc:** Breen, Barry; Feldt, Lisa; Tulis, Dana; Jennings, Kim; Barnet, Henry; Edlund, Carl  
**Subject:** Re: Conf Call with OECA, R6 & OSHA

[Great - Thanks.](#)

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**From:** Stanton, Larry  
**Sent:** Monday, May 06, 2013 11:55:29 AM  
**To:** Stanislaus, Mathy  
**Cc:** Breen, Barry; Feldt, Lisa; Tulis, Dana; Jennings, Kim; Barnet, Henry; Edlund, Carl  
**Subject:** Conf Call with OECA, R6 & OSHA

Mathy –

Update on the investigation in West.

Three of us (with staff support) just completed a call with OSHA on the matter of the West investigation. For EPA, we had Henry Barnet of OECA and Carl Edlund of R6, along with me. CSB was not on the call. DHS was not on the call either, but they have previously stated that they have no investigative role.

First, we are proceeding from the assumption that ATF and the Texas Fire Marshal will conclude that this was not a criminal act per se. We would expect that finding of no criminality by the end of the week, but that could be longer.

Based on that assumption, OECA will retain investigative authority once ATF concludes their investigation. To that end, OECA (at the R6 level) is preparing a **Parallel Process Agreement**, a vehicle they have used in the past. That agreement will provide the process for the continued investigation, to include all civil matters in which EPA and OSHA hold a direct interest. We believe that the majority of CSB's informational needs would be met in that process as well, and all parties concerned are in agreement that CSB will be at liberty to augment that investigative effort as they



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see fit and within the spirit of our existing MOUs.

OSHA Region 6 has agreed to seek physical space (in the West HS) for housing evidence and for work space for the investigation.

At this point, the next step is to draft the Parallel Process Agreement and circulate it to OSHA – something our (EPA) R6 is doing. I understand the draft will be circulated to OEM as well.

While that is going on, and with the concurrence of OSHA, I am going to reach out to CSB and ask them to discuss the existing CSB-EPA MOU and how they see it applying in West. I have agreed to relate the results of that discussion back to OSHA and OECA.

We will keep you apprised of the status of the Parallel Agreement, as I believe it answers the higher level concerns regarding the manner in which the investigation will be carried forth, and the manner in which CSB will be accommodated.

Please let me know if there are any questions on this.

On another front, I asked OSHA about the Matrix and the COB Wednesday deadline. They concur with our position – essentially that the Matrix is too complex and far-ranging to be useful or to be completed in 2 days. They concur that a narrative discussion of authorities such as our EPCRA & RMP paper is a sensible option, and they have stated that they will push back to Chuck concurrently with you.

V/R

Larry